

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6161 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PARESJ HARMANBHAI PATEL

Versus

COMMISSIONER OF POLICE

Appearance:

MR RC KODEKAR for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 11/02/99

ORAL JUDGEMENT

The petitioner challenges the order of his detention dated 15th July, 1998 at Annexure "A" to the petition, passed by the Commissioner of Police, Ahmedabad under Section 3(2) of the Gujarat Prevention of Anti-social Activities Act, 1985. The order has been made on a ground that there are prohibition cases being investigated against the petitioner and one prohibition

case is pending in the Court. The grounds supplied to the petitioner refer to statements of two witnesses in respect of an incident which occurred on 15.6.1998 and 30.6.1998, as per which the petitioner is said to have threatened them with knife and also threatened the persons who had gathered at that time.

Following the ratio of the decisions of the Hon'ble Supreme Court in the case of Piyush Kantilal Vs. Commissioner of Police, Ahmedabad, reported in AIR 1989 S.C 491 and also Omprakash Vs. Commissioner of Police, reported in 31(2) GLR 730 in which the ratio of Piyush Kantilal's case was reiterated, and for the reasons given in a similar matter decided today being Special C.A No. 6113/98, the impugned order of detention dated 15.7.98 at Annexure "A" is hereby set aside and the petitioner is ordered to be set at liberty forthwith, if not required in any other case. Rule is made absolute accordingly.

*/Mohandas